

**Housing and Development (Amendment) Act 2005
(No. 29 of 2005)**

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The following Act was passed by Parliament on 15th August 2005 and assented to by the President on 30th August 2005:—

HOUSING AND DEVELOPMENT (AMENDMENT) ACT 2005

(No. 29 of 2005)

I assent.

S R NATHAN,
President.
30th August 2005.

Date of Commencement: 15th September 2005

An Act to amend the Housing and Development Act (Chapter 129 of the 2004 Revised Edition) and to make related amendments to the Central Provident Fund Act (Chapter 36 of the 2001 Revised Edition) and the Residential Property Act (Chapter 274 of the 1985 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Housing and Development (Amendment) Act 2005 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 6

2. Section 6(1) of the Housing and Development Act (referred to in this Act as the principal Act) is amended by deleting the words “7 other members” in paragraph (c) and substituting the words “10 other members”.

Amendment of section 10

3. Section 10 (1) of the principal Act is amended by deleting the words “shall be 3” and substituting the words “shall be 4”.

Amendment of section 13

4. Section 13 of the principal Act is amended by deleting sub-paragraph (i) of paragraph (d) and substituting the following sub-paragraph:

“(i any developed land or any housing accommodation sold under
) Part IVB; or”.

Amendment of section 27A

5. Section 27A of the principal Act is amended by deleting subsection (1) and substituting the following subsections:

“(1) The Board or any officer of the Board who is authorised by the Board in that behalf may, in its or his discretion, compound any offence under this Act or any rules made under section 27 which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence —

(a) one half of the amount of the maximum fine that is prescribed for the offence; or

(b) a sum not exceeding \$2,000,

whichever is the lower.

(1A) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.”.

Amendment of section 51

6. Section 51 of the principal Act is amended by inserting, immediately after subsection (5), the following subsection:

“(6) No person shall become entitled to any such flat, house or other building under any resulting trust or constructive trust, whensoever created.”.

Amendment of section 52

7. Section 52 (2) of the principal Act is amended —

- (a) by deleting the word “or” at the end of paragraph (a); and
- (b) by deleting the comma at the end of paragraph (b) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:
 - “(c) representation has been taken out and the personal representatives have the written consent of the Board referred to in paragraph (b), but the sale or transfer of the flat, house or other building is not completed within 12 months from the date of that written consent.”.

Repeal and re-enactment of section 60

8. Section 60 of the principal Act is repealed and the following section substituted therefor:

“Giving false information

60. Any person who —

- (a) in relation to the purchase, mortgage, sale or transfer by such person or any other person of a flat, house or other living accommodation; or
- (b) in relation to any application (whether by the person or on behalf of another) to the Board for its permission, consent, approval or licence under this Act or any subsidiary legislation made thereunder,

makes (whether orally, electronically, in writing or otherwise) any statement to the Board which is false, and which he either knows or believes to be false or does not believe to be true, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.”.

Amendment of section 65A

9. Section 65A of the principal Act is amended —

- (a) by deleting the words “in a building or part thereof within a precinct” in paragraph (a) of the definition of “special upgrading works” and substituting the words “within or in relation to any building or part thereof”; and

- (b) by deleting the words “in any building” in paragraph (b) of the definition of “special upgrading works” and substituting the words “within or in relation to any building”.

Amendment of section 65C

10. Section 65C of the principal Act is amended —

- (a) by deleting subsection (1A) and substituting the following subsection:

“(1A) A poll conducted in connection with any proposal to carry out special upgrading works within a building, or in relation to more than one building, in a precinct shall be a poll of the prescribed owners of prescribed flats within the building or buildings, as the case may be, being flats the occupants of which directly benefit from the special upgrading works.”; and

- (b) by deleting subsection (5A) and substituting the following subsection:

“(5A) The Board may, with the approval of the Minister, carry out special upgrading works within a building, or in relation to more than one building, within a precinct if, and only if —

- (a) it appears from a poll of the owners referred to in subsection (1A) that 75% or more of the total value in votes of such owners within the building or buildings, as the case may be, have been cast in favour of the proposal to carry out special upgrading works within that building or in relation to those buildings; and
- (b) where the proposal is for the special upgrading works to be carried out within or in relation to any building in the precinct together with any general upgrading works within the precinct, it also appears from a poll of prescribed owners referred to in subsection (2) that 75% or more of the total value in votes of all such owners of all flats within the precinct have been cast in favour of the proposal to carry out the general upgrading works in the precinct.”.

New Part IVB

11. The principal Act is amended by inserting, immediately after section 65L, the following Part: